

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Government,

v.

HONORABLE LAURIE J. MICHELSON

No. 21-20063

KATELYN JONES,

Defendant.

_____ /

SENTENCING HEARING

Detroit, Michigan -- Tuesday, January 16, 2024

APPEARANCES:

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TITLE, (Cont.)

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Sentencing Hearing
Tuesday, January 16, 2024

I N D E X

- - -

<u>Hearing:</u>	<u>Page:</u>	<u>Vol.:</u>
Sentencing Hearing	5	1
Allocution By Ms. Princ	9	1
Allocution By Ms. McGunn	11	1
Statement By The Defendant	19	1
Sentencing By The Court	20	1
Response By Ms. McGunn	29	1
<i>Appeal Rights</i>	35	1
Certification of Reporter	41	

Exhibits:

None

**Sentencing Hearing
Tuesday, January 16, 2024**

4

Detroit, Michigan

Tuesday, January 16, 2024

3:03 p.m.

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THE CLERK: The court calls Case Number 21-20063; The United States of America versus Katelyn Jones.

Counsel, please state your appearance, for the record.

MS. PRINC: Good afternoon, Your Honor. Diane Princ on behalf of the Government. And present with me is Attorney Jonathan Jacobson, from the Department of Justice.

THE COURT: Okay. There we go. It's Mr. Jacobson?

MR. JACOBSON: Yes, Your Honor.

THE COURT: All right. And Ms. McGunn.

MS. MCGUNN: Nancy McGunn, on behalf of Katelyn Jones who's standing to my left.

THE COURT: All right. Thank you. Good afternoon, Counsel. Good afternoon, Ms. Jones. You-all may be seated.

And actually, if I could just see counsel at side bar for one moment, please?

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(Side Bar Conference at 3:04 p.m.)

THE COURT: Good afternoon, everyone. I know we filed everything under seal. But I certainly intend to talk about her medical issues. Is that all right in light of the people with us in the courtroom?

**Sentencing Hearing
Tuesday/January 16, 2024**

5

1 **MS. MCGUNN:** It is. I just reviewed with Ms. Jones,
2 I explained that there is a member of the press who is present
3 in the courtroom. That I was going to, myself, talk about her
4 medical conditions, just not go into great detail. So, she
5 understands and that's okay.

6 **THE COURT:** Okay.

7 **MS. MCGUNN:** Thank you.

8 **(Side Bar Conference concluded at 3:05 p.m.)**

9 - - -

10 **Sentencing Hearing**

11 **THE COURT:** All right. Thank you. I accepted
12 Ms. Jones' straight-up guilty plea to the two charged counts of
13 threats of violence based on certain text messages and social
14 media postings. Mr. Bellamy has prepared a thorough
15 presentence report. And following some adjournments due to
16 Ms. Jones' health issues and some inabilities to travel, we're
17 here today for the sentencing.

18 Ms. McGunn, I want to first just make sure and confirm
19 that you and Ms. Jones had an opportunity to review and discuss
20 the presentence report?

21 **MS. MCGUNN:** Yes, Your Honor. We had an opportunity
22 to review the presentence report. It was some time ago. We
23 did have some factual corrections to make. Those were made to
24 our satisfaction.

25 I would note, Your Honor, that the presentence report does

**Sentencing Hearing
Tuesday/January 16, 2024**

6

1 not reflect the most recent information in Ms. Jones' life. I
2 had reached out to probation and probation indicated that The
3 Court would have to order an updated presentence report. It's
4 certainly not anything that isn't discussed in our sentencing
5 memo, but I would ask that at the conclusion of the hearing
6 today The Court ask probation to update the presentence report
7 specifically to reflect that Ms. Jones, on November 15th, had a
8 child.

9 **THE COURT:** All right. Ms. Princ, any objection to
10 that?

11 **MS. PRINC:** No, Your Honor.

12 **THE COURT:** All right. I don't see any problem with
13 making that modification and I will inquire and ask the
14 probation officer if we could make that addition to the
15 presentence report.

16 All right. And Ms. Jones, did you have an opportunity,
17 and I know it has been awhile, but did you have an opportunity,
18 though, to ask Ms. McGunn any and all questions that you may
19 have had about the presentence report?

20 **THE DEFENDANT:** Yes, I have.

21 **THE COURT:** Was she able to answer those questions
22 for you?

23 **THE DEFENDANT:** Yes, she was.

24 **THE COURT:** And do you feel like you need or want any
25 additional time to discuss anything about the presentence

**Sentencing Hearing
Tuesday/January 16, 2024**

7

1 report with her before we continue today with your sentencing?

2 **THE DEFENDANT:** No, I do not.

3 **THE COURT:** Okay. Thank you.

4 And Ms. Princ, did the Government also have an opportunity
5 to review the presentence report?

6 **MS. PRINC:** Yes, we did. And we discussed one
7 objection prior to its final form and it was amended and we
8 have no other objections.

9 **THE COURT:** Okay. So, the parties have represented
10 there were some, I guess, some minor changes to be made to the
11 presentence report, those were addressed with the probation
12 officer. They were made. The Government's indicated it
13 doesn't have any others.

14 Ms. McGunn, does the Defense have any other disagreements
15 with, corrections or additions to the presentence report?

16 **MS. MCGUNN:** None, Your Honor. Thank you.

17 **THE COURT:** Very good.

18 I've also received a copy of the presentence report. I've
19 received sentencing memorandums from the parties with
20 attachments to the defendant's memo of medical records and a
21 psychological evaluation as well as a letter from Ms. Jones'
22 mother and treating doctor. I also received a bond status memo
23 advising of Ms. Jones' compliance with her bond conditions.
24 I've carefully reviewed and considered all of those materials.
25 I've not received any other materials pertaining to the

**Sentencing Hearing
Tuesday/January 16, 2024**

8

1 sentencing. And so except as otherwise stated, I am accepting
2 the presentence report as my findings of fact.

3 The parties appear to agree with the calculation of the
4 advisory guideline range in the presentence report and so do I.
5 The counts involve the same victim and common scheme or plan
6 and so they are grouped. The base offense level is 12.

7 Given the victim's government position and that the
8 offense was motivated by her position, there is a six level
9 increase to the base offense level. There is a two level
10 decrease for Ms. Jones' timely acceptance of responsibility and
11 a timely plea. And all of that results in the base offense
12 level, if my math is right, is it -- do we have the extra point
13 for acceptance or it was just the two? (Brief pause.)

14 No, we have the extra point. So, I'm sorry. So, there
15 were three level reduction for her timely plea and acceptance
16 of responsibility. And so we have a total base offense level
17 of 15. Ms. Jones has no prior criminal history so she is in
18 Criminal History Category I. Given the nature of this offense
19 she does not qualify for the two level reduction for being a
20 zero-point offender.

21 So, an offense level of 15 and a Criminal History Category
22 of I results in an advisory guideline prison range of 18 to 24
23 months. And, Counsel, are there any objections to that
24 calculation. Ms. Princ?

25 **MS. PRINC:** No. Thank you, Your Honor.

**Allocution By Ms. Princ
Tuesday/January 16, 2024**

9

1 **THE COURT:** And Ms. McGunn?

2 **MS. MCGUNN:** No, Your Honor.

3 **THE COURT:** Are Ms. Princ, there any victims here
4 today who wish to be head?

5 **MS. PRINC:** No. Thank you.

6 **THE COURT:** Okay. Thank you.

7 So, at this time, do you with wish to make any remarks on
8 behalf of the Government?

9 **MS. PRINC:** Yes, Your Honor. Thank you.

10 **THE COURT:** All right. Why don't I have you come up
11 to the lecturn for me, if you would, please.

12 **ALLOCUTION BY MS. PRINC**

13 **MS. PRINC:** Your Honor, we are seeking a sentence
14 within the guideline range. We recognize and do not dispute
15 that Ms. Jones suffers from mental and physical ailments that
16 have been and will be addressed by the defense before Your
17 Honor. Nevertheless, the Government stands by its
18 recommendation given the nature and circumstances of the
19 offense.

20 In this case, the defendant sent targeted, specific, and
21 horrifying texts to the victim. Whatever one thinks of that
22 victim's decision, she was a public official and the
23 defendant's act was directed to instill fear within her to try
24 to influence her decision.

25 We cannot have citizens in our society acting this way

**Allocution By Ms. Princ
Tuesday/January 16, 2024**

10

1 toward our public officials trying to influence their
2 decisions. The defendant's texts sent to the victim included
3 her name, her address, her contact information. Most
4 alarmingly, they were directed and contained threats about the
5 victim's daughter. The photograph that the defendant sent to
6 the victim was a horrifying photograph of a mutilated, deceased
7 and bloodied corps. And the defendant told the victim: "I
8 want you to picture your daughter . . ." (using the daughter's
9 actual name), ". . . when seeing that image."

10 I recognize that the defendant, when she took these
11 actions, is not the same defendant that appears before Your
12 Honor today. But given the nature of our public discourse.
13 Given the threats against officials, the Government is
14 recommending a sentence of 18 to 24 months to encapsulate harm
15 and to deter others from engaging in such acts.

16 Thank you, Your Honor.

17 **THE COURT:** And just, Ms. Princ, how would you have
18 The Court go about, given that we, you know, we sentence
19 everybody individually and you've asked for a guideline
20 sentence, how does the nature of her significant, physical and
21 mental health impairments factor into that?

22 **MS. PRINC:** I think Your Honor can consider those and
23 should consider those. We set forth the recommendation for the
24 range. There is a range before Your Honor, though. And so you
25 can address those concerns by sentencing toward the bottom of

**Allocution By Ms. McGunn
Tuesday/January 16, 2024**

11

1 the range.

2 **THE COURT:** All right. Thank you, Ms. Princ.

3 **MS. PRINC:** Thank you.

4 **THE COURT:** And Ms. McGunn, if I could ask you and
5 Ms. Jones to come to the lecturn as well, please. And
6 Ms. McGunn, I'm going to begin with you and ask if you would
7 like to make any remarks on Ms. Jones' behalf?

8 **ALLOCUTION BY MS. MCGUNN**

9 **MS. MCGUNN:** Thank you, Your Honor.

10 Your Honor, three year's ago Katelyn Jones sent messages
11 via text and social media postings that were graphic. That
12 were threatening. And that were terrifying.

13 Those messages were sent to AV-1. Related to AV-1's then
14 role in Wayne County as part of the election, The Board of
15 Canvassers. Ms. Jones' statements, as the Government has
16 accurately stated, didn't just reflect her unhappiness with
17 AV-1, they referenced personal information. They referenced
18 AV-1's husband. Her daughter. They provided personal
19 information. There is not one person in this courtroom,
20 particularly Ms. Jones, that disagrees with the contention that
21 this was an incredibly serious offense that had an undeniable
22 impact on AV-1 and on her family.

23 This contact represents one day out of Ms. Jones' life.
24 She, at that time, was 23 year's old and that day was truly an
25 aberrant and isolated instance. This was an individual who had

**Allocution By Ms. McGunn
Tuesday/January 16, 2024**

12

1 never been in trouble before. Frankly, has never been in
2 trouble since. I'm not sure she's ever even had a speeding
3 ticket.

4 This offense, as indicated by the extensive information in
5 the presentence report and in our sentencing memo, this offense
6 really represents an awful confluence of factors that occurred
7 for Ms. Jones during this time period.

8 It was on the heels of a contested Presidential election
9 that left the country locally and violently divided in an
10 endless news cycle. It was still in the midst of -- we were
11 still in the midst of the COVID-19 pandemic with rising
12 hospitalizations and death rates. And in the midst of all of
13 that we had Ms. Jones, who is a young woman, with no criminal
14 history, in the midst of her own crisis. She was at at that
15 point, I think it's fair to say, the lowest point of her young
16 life.

17 Three and a half years earlier at just 19 year's old she
18 had started to experience health issues that took medical
19 experts years to diagnose and properly treat. She struggled
20 with very painful and life-threatening symptoms that as of
21 November 2020 had caused repeated and prolonged
22 hospitalizations at specialized hospitals like at U of M and
23 the Cleveland Clinic. With specialists that still struggle to
24 come up with the answers as to what she was dealing with from a
25 medical perspective.

**Allocution By Ms. McGunn
Tuesday/January 16, 2024**

13

1 At the time of the offense, Katelyn and her mother had
2 made the very difficult decision to move across the country to
3 get specialized medical treatment. They had identified
4 specialists that they hoped could treat her very complex set of
5 conditions. Your Honor, we have briefed this fully, but I know
6 The Court is aware that Ms. Jones struggles with -- suffers
7 from Evans Syndrome, which is a rare disorder, in addition to
8 lupus and APS. All three of these conditions are chronic,
9 they're incurable, they have life-threatening symptoms, and
10 they require daily medications.

11 In the years, the three and a half years leading up to
12 this offense, Katelyn had struggled to have her physical health
13 stabilized, but she had also struggled with anxiety and
14 depression. She had set about a course of mental health
15 treatment, DBT, that worked for her. She found a therapist in
16 Michigan and things were going well.

17 But in the month's leading up to that move to New
18 Hampshire, her general practitioner decided to remove her
19 unilaterally from her psychotropic medications. She had been
20 stabilized. She was in a good place mentally and emotionally.
21 And her doctor as a response, frankly, to the repeated physical
22 hospitalizations, medical hospitalizations she had faced,
23 dramatically changed her regimen to a combination of
24 medications that led to a rapid decline to her mental health
25 and an increase in suicidal feelings. Because of the move, she

**Allocution By Ms. McGunn
Tuesday/January 16, 2024**

14

1 was not able to get into a mental health specialist to see a
2 provider to get back on the correct medications; and thus, in
3 November 2020, she had been without medications that she very
4 much needed to treat her escalating mental health symptoms.

5 So, at the time of this offense, Katelyn was in New
6 Hampshire, a new place, without mental health support and
7 tremendous physical pain. And, really, the entirety of her
8 world took place online. Because she had previously lived in
9 Michigan and been involved in election events, she took a
10 particular interest in the post-election events in Wayne
11 County. And because of the preoccupation with social media at
12 that time, the endless news cycle, she joined in a very loud
13 and vocal group of individuals online, on social media,
14 addressing the issues of what was going on in Wayne County at
15 that time: The decision to certify or not certify the
16 election.

17 Unlike many of the other people weighing in, though,
18 Katelyn was uniquely vulnerable to what was going on at that
19 time. And, so, as an individual struggling with mental health
20 issues, without proper medication, no social outlet, often
21 unable to sleep due to excessive pain, and watching endless
22 news and social media, she committed this offense conduct.
23 Those were the circumstances in which she committed this
24 offense conduct.

25 Following that, she was arrested. She readily admitted

**Allocution By Ms. McGunn
Tuesday/January 16, 2024**

15

1 her conduct. She accepted responsibility that day and since
2 that day has done everything she could to move beyond that
3 behavior to acknowledge her wrongfulness and try to correct the
4 course of conduct she was on. She sought mental health
5 treatment in New Hampshire. She remained committed to
6 treatment and psychotropic medication. Her physical health has
7 been stabilized through a really exceptional group of
8 specialists through Harvard and multiple hospitals in Boston.
9 Her health is monitored every few months by a variety of
10 specialists.

11 Perhaps, most miraculously on November 15th, Katelyn gave
12 birth to a healthy baby, an event she had been told would never
13 have been possible. During the course of her pregnancy, she
14 had to go to weekly ultrasounds. She traveled 35 minutes. She
15 never missed one appointment. And she was determined to do
16 whatever she could and had to do to have a healthy baby. She'll
17 speak to this in a moment, Your Honor. But that pregnancy and
18 the birth of her child really dramatically changed Katelyn's
19 response for the positive.

20 Section 3553(a) calls for a sentence that's sufficient,
21 but not greater than necessary to meet the sentencing goals.
22 And our position, Your Honor, is that any custodial sentence
23 would be far greater than necessary to meet the goals of
24 sentencing.

25 With respect to the offense, there's no question this is

**Allocution By Ms. McGunn
Tuesday/January 16, 2024**

16

1 an undeniably serious offense; yet, it is isolated and aberrant
2 when looking at the totality of Ms. Jones' life.

3 In terms of her circumstances as an offender. This was a
4 young woman with no criminal history. Serious mental and
5 physical health issues at a very low point in her life. In
6 over three years of pretrial release, she has amply
7 demonstrated a commitment to living within The Court's
8 conditions that were set for bond to following the law. She's
9 demonstrated a commitment to her own mental health treatment.

10 And I have to say, Your Honor, this is a young woman
11 because of her health circumstances, I have gone to visit her
12 in New Hampshire. We've had numerous Zooms. We've had
13 numerous chats. This is a woman who I believe very much has
14 lived daily with the tremendous fear that she was facing
15 incarceration on this day. That prison was, in fact, possible
16 and likely, given her actions. And she has carried the weight
17 of her actions for those three years.

18 She has tremendous family support. Her parents are here
19 today. Her mother, she remains living with her mother in New
20 Hampshire, along with her brother. And her father is still
21 very much involved in her life.

22 In terms of the need to provide rehabilitation and
23 treatment. Your Honor, it's really hard to believe that where
24 the University of Michigan and Cleveland Clinic struggled to
25 provide care, adequate care, somehow the Bureau of Prisons

**Allocution By Ms. McGunn
Tuesday/January 16, 2024**

17

1 could do that. The list of medications that Ms. Jones is on
2 ranges from 7 to 15 medications at any given day or time. She
3 has a list of specialists that she sees monthly. She has a
4 serious clotting disorder. She has conditions that threaten
5 her life if they're not monitored closely. Any custodial
6 sentence would be significantly harsher on her than the average
7 individual that This Court sees.

8 Every defendant that This Court sentences I know has a
9 family that's impacted by sentences. They have parents. They
10 have children. They may have children or partners. In this
11 case, Ms. Jones has a two-month-old baby. The loss of that
12 relationship, the breaking of that bond would be devastating
13 and also far greater than necessary.

14 In terms of the goal of punishment. Ms. Jones, at 26, has
15 a felony conviction that will follow her for the rest of her
16 life. It would impact her employment's future. It will impact
17 -- has the potential to impact her housing circumstances and
18 myriad other aspects of her life. And to achieve the goal of
19 punishment, a sentence of custody is simply not necessary. The
20 Court could impose home confinement. The Court could impose a
21 period of community service, if Ms. Jones was able to complete
22 that. But there are a number options that The Court has.

23 In terms of the guideline range. While it's true that the
24 Guideline Range is 18 to 24 months, probation has identified,
25 appropriately so, and the Government has not objected, to the

**Allocution By Ms. McGunn
Tuesday/January 16, 2024**

18

1 idea that departures would be warranted under 4H1.3 for mental
2 health and 4H1.4 for physical health. The evaluation we
3 submitted by Dr. Drukteinis we believe supports that finding
4 for the departure, as well as Ms. Jones' physical history
5 supporting a departure for physical health reasons.

6 Lastly, Your Honor, with respect to deterrence. The issue
7 of individual deterrence I don't think is particularly
8 significant, in this case, simply given Ms. Jones' lack of
9 criminal history before and her lack of any activity since the
10 offense that suggests a need.

11 In terms of general deterrence. I believe this is a
12 factor that Defense Counsel and the Government frequently
13 disagree about. But I will give the Government, I understand
14 that in this type of case, with this type of task force that
15 has been forged to address a very specific threat that the
16 Government has identified, I understand the Government's focus
17 on general deterrence, but it cannot come at the cost of
18 Ms. Jones' very specific characteristics as a defendant.
19 Because to do so would really fly in the face of what the
20 Sentencing Statute calls for.

21 So, Your Honor, for those reasons and the reasons set
22 forth in our memo, we are asking that The Court impose a
23 non-custodial sentence and allow Ms. Jones to remain in
24 physical and mental health treatment within the community.

25 **THE COURT:** Thank you, Ms. McGunn.

**Sentencing Hearing
Tuesday/January 16, 2024**

19

1 And Ms. Jones, it has been awhile since I took your plea
2 and at that proceeding I did indicate to you that you would
3 have this opportunity today, if you wished, to address The
4 Court before I impose sentence.

5 So, at this time, is there anything that you would like to
6 say?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** All right. Please.

9 **STATEMENT BY THE DEFENDANT**

10 **THE DEFENDANT:** Yes. I'm not a very good public
11 speaker so I asked Ms. Nancy to put my letter in the sentencing
12 memo.

13 I'd just like to say that I'm not the same person that I
14 was in 2020. I'm very remorseful and very sorry for what I've
15 done. I've taken everything that I could and I've done
16 everything that I could to change and become a better person
17 and I'm lucky to say that I've done that. And, yeah. Thank
18 you, Your Honor.

19 **THE COURT:** Thank you, Ms. Jones. I do appreciate
20 hearing from you. And I did review the materials. I did see
21 the remarks or the letter. I saw the reference to the video
22 that you sent to the victim. Did she accept it?

23 **MS. MCGUNN:** No, Your Honor. But I do want to
24 clarify, that video was sent to the Government. We had reached
25 out to the victim hoping to simply just share some information

**Sentencing By The Court
Tuesday/January 16, 2024**

20

1 about Ms. Jones and, kind of, the unique situation she was in.
2 The victim did not respond to us, which is obviously more than
3 her right to do so. We did not reach out again. I'm unclear
4 if the Government shared the communications that we shared with
5 them.

Sentencing By The Court

6
7 **THE COURT:** Okay. There are some things in this case
8 that everybody agrees on and some things that we don't all
9 agree on. The peaceful and orderly transition of power is a
10 fundamental hallmark of our democracy. It must be cherished
11 and it must be preserved. And efforts to subvert it need to be
12 thwarted. But not with violence or threats of violence. And
13 that is, in large measure, what happened here.

14 On November 16, 2020, following the contentious
15 Presidential election, the then Chair of the Wayne County Board
16 of Canvassers initially voted against certifying the election
17 results for the County. You did not take it well and you
18 handled it worse. The next day you sent threatening texts to
19 this election official chair and posted threatening Instagram
20 posts. You called her names. You accused her of being a
21 terrorist. You threatened her husband. And to make sure the
22 fear set in, you listed her address and phone number. Yet,
23 even worse still, you threatened her young daughter in chilling
24 ways.

25 You told a loving mother it would be ashamed if anything

**Sentencing By The Court
Tuesday/January 16, 2024**

21

1 happened to her precious daughter at school. You sent a photo
2 of a bloody, deceased, nude, and mutilated woman and suggested
3 that this could happen to her or her daughter. If she was not
4 already afraid, you told her specifically she should be afraid
5 and that her husband should be afraid and that her young
6 daughter should be afraid. Ended with: "You have made a grave
7 mistake. I hope you realize that now."

8 And, of course, the irony here is that you could have
9 written this line to yourself. You know now that you've made a
10 grave mistake. And I think we all agree it is even more grave
11 in our current political climate where election officials are
12 under attack and remain under attack, that they are very likely
13 going to take these threats seriously.

14 There is a reason that this country even has election
15 workers and election officials. That we even have positions
16 like County Canvassers. Because our democracy is built on and
17 only exist with our right to vote and free and fair elections.
18 And that requires our fellow citizens being willing to be in
19 position that administer elections. They deserve to feel safe.
20 And they deserve to be safe.

21 You probably saw the statistics in the Government's
22 sentencing memo. Nearly 1 in 6 election officials indicating
23 they have experienced threats because of their job. And
24 77 percent have said that they feel the volume of those threats
25 has increased in recent years.

**Sentencing By The Court
Tuesday/January 16, 2024**

22

1 And Ms. Jones, part of what this case is about, part of
2 what the task force is about, is we can't allow this rhetoric
3 or conduct to be normalized. It has to be stopped. It has to
4 be prevented. As the probation officer aptly remarked in the
5 presentence report: "This conduct erodes the integrity of the
6 election system." As the Government aptly remarked in its
7 sentencing memo, quote, "In our democratic society, we cannot
8 allow citizens to affect public officials' actions and
9 decisions through threats and fear," end quote.

10 We've heard this now in various ways from both lawyers to
11 put this election official and this wife and mother in fear for
12 her own life and that of her husband and that of her child is
13 cruel. It's shameful. And it's unacceptable. It shows little
14 respect for the law and it's behavior that needs to be punished
15 and absolutely has to be deterred.

16 Which, along with the nature and circumstances of the
17 offense, are several of the sentencing factors that I have to
18 consider in determining a sentence that is sufficient, but not
19 greater than necessary to achieve the purposes of those
20 factors. And so I'm not surprised to see the sentences handed
21 down across the country where election workers have been
22 threatened that are set out in the Government's sentencing
23 memo.

24 But when I evaluate the sentencing factors, another one
25 that I have to consider involves the unique and individual

**Sentencing By The Court
Tuesday/January 16, 2024**

23

1 history, characteristics, and background of the person I'm
2 sentencing. And that is important here because while it does
3 not excuse your conduct, there are clearly other aspects of
4 your life that help to explain how this could have happened.

5 You were raised by loving and supportive parents. You
6 grew up on a farm. Were a skilled horse rider and had hopes of
7 becoming a trainer. But for most of your young life you've
8 struggled with serious, incurable health problems which has
9 also resulted in serious mental health issues.

10 As Ms. McGunn has indicated you suffered from multiple
11 autoimmune disorders: Lupus, Evans Syndrome, APS, in which
12 your immunity system is doing significant damage to your body
13 and causing debilitating symptoms and life-threatening
14 conditions, including blood clots, chronic pain and the
15 potential for organ damage.

16 You take about 7 to 15 medications. You're unable to work
17 and you receive disability. You missed a lot of school. And
18 endured a lot of bullying due to your conditions. You've
19 suffered from depression and engaged in self-harm since you
20 were 11. And the chronic health conditions have exacerbated
21 your mental health issues. Most significantly, you have
22 engaged in self-cutting since age 13. You are currently
23 receiving psychiatric care and psychotherapy and you're taking
24 anti-psychotic medications to address the recently diagnosed
25 conditions of depressive disorder, PTSD, and borderline

**Sentencing By The Court
Tuesday/January 16, 2024**

24

1 personality disorder.

2 I recognize that at the time of the offense during the
3 pandemic and having just moved to New Hampshire with your
4 mother and your brother. You were not receiving treatment or
5 taking psychotropic medications because your doctor was
6 changing and making some modifications to your medication
7 regimen.

8 Coupled with that, you were shuttered in watching nonstop
9 news and participating online. Your mother is a former
10 Township Clerk responsible for certifying elections. You
11 worked with her as an election's inspector and so you have a
12 sense of how these things should be done. And so without
13 treatment or medications or proper coping mechanism to deal
14 with your anger over what you perceived to be election
15 inference, you lashed out.

16 With some additional maturity and more significantly,
17 proper medication and care, you have greater appreciation of
18 the wrongfulness of your conduct and the vital importance that
19 it never been repeated. You recognize that these threats were
20 unacceptable. You've expressed shame and remorse. You tried
21 to reach on out to the victim to apologize with a statement.
22 You accepted responsibility.

23 When law enforcement came to your home to search it, you
24 admitted to what you did. This is the first time you have ever
25 been in trouble with the law. You have family support. With

Sentencing By The Court
Tuesday/January 16, 2024

25

1 proper treatment and medication, you do not pose a serious risk
2 of harm. You've never engaged in any violence. There's
3 nothing to suggest you took any steps to act on your threats.
4 You have significant and life-threatening health issues that
5 will be difficult to manage in a prison setting.

6 Indeed, you have some rare and chronic autoimmune
7 disorders that, for a 26-year-old, are present to an unusual
8 degree under Guideline 5H1.4, to warrant a departure. And even
9 if they did not, they are present to a significant degree to
10 justify a variance. Especially when combined with your mental
11 health issues as well, that are also present to an unusual
12 degree under Guideline 5H1.3, to also warrant a departure or a
13 variance.

14 You've been compliant with your bond conditions for three
15 years and there have been no issues. You are a new mother and
16 that will also be a strong deterrent to prevent you from
17 engaging in any like behavior in the future. Probably most
18 important to the victim and the public, the extensive medical
19 information provided by your counsel supports your commitment
20 to actively engaging in mental health treatment. You also have
21 the lifelong consequence of a felony conviction which should
22 also be a deterrence to others like you thinking of engaging in
23 this criminal behavior.

24 As your sentencing memo states, quote, "At 26, with no
25 criminal history, a newborn baby, and with serious health

**Sentencing By The Court
Tuesday/January 16, 2024**

26

1 issues, she finds herself with a felony conviction and fearing
2 for her freedom," end quote. And that, too, is a strong
3 deterrent.

4 And so balancing the seriousness of the offense with the
5 vital importance of deterrence, with the unlikelihood that you
6 would ever do anything like this again, and your significant
7 physical and mental health issues, I do think a sentence below
8 the guideline range would be sufficient, but not greater than
9 necessary here and would not result in any unwarranted
10 sentencing disparities.

11 And so I will GRANT a downward departure. And even if I
12 did not grant a downward departure, I would grant a downward
13 variance. But Ms. Jones, I'm not able to grant it to the level
14 of absolutely no prison time at all.

15 Like Ms. McGunn, I've struggled with the issue of
16 deterrence. And people who engage in this misconduct have to
17 know that there will be consequences. And I'm not saying that
18 there have not been consequences to you. And that is why we
19 sentence everyone individually and as individuals. You have
20 extenuating circumstances that most others likely do not have
21 and will not have and that has been considered in my ultimate
22 decision. And that is the reason that I am not giving a
23 guideline sentence. And that's the reason I'm giving you a
24 significant variance from a guideline sentence. And I take
25 that responsibility to not only consider all of the 3553(a)

**Sentencing By The Court
Tuesday/January 16, 2024**

27

1 factors, but to then evaluate them against the individual
2 defendant.

3 And in doing that, Ms. Jones, **The Court is going to**
4 **sentence you as follows:**

5 **On Counts One and Two of the indictment, pursuant to the**
6 **Sentencing Reform Act of 1984, The Court considering the**
7 **sentencing guidelines and factors contained in 18 United States**
8 **Code Section 3553(a), hereby commits you to the custody of the**
9 **Bureau of Prisons for a term of 30 days.**

10 Once you finish that sentence, I'm going to put you on
11 supervised release for a term of two-years.

12 You will have to pay a special assessment of \$200, which
13 will be due immediately.

14 I am going to waive the imposition of any fine, any cost
15 of incarceration, and any cost of supervision due to your lack
16 of financial resources.

17 I'm going to suspend any mandatory drug testing here
18 because you don't need it.

19 Under 34 United States Code Section 40702, you will have
20 to cooperate with the collection of a DNA sample as directed by
21 the probation officer. And during the two-year period of
22 supervised release, you will have to follow and abide by the
23 standard conditions of supervised release that have been
24 adopted by this court or more likely New Hampshire because
25 that's probably where you'll be supervised.

**Sentencing By The Court
Tuesday/January 16, 2024**

28

1 And I'm going to also impose the following special
2 conditions of supervised release:

3 Due to the nature of the offense, you shall not engage in
4 any verbal or physically threatening or violent behavior. You
5 must not have contact directly or indirectly with the victim in
6 this offense unless approved by the probation officer.

7 And due to your mental health issues, I will have you
8 submit to a psychological, psychiatric evaluation as directed
9 by the probation officer if warranted. And I say, "If
10 warranted," because I know you'll go back to seeing your
11 regular treatment providers and so it may not be necessary for
12 you to participate in an additional program.

13 And the same is true, I will impose that you participate
14 in a mental health treatment program and follow the rules and
15 regulations of the program. The probation officer, in
16 consultation with your treatment provider, will supervise your
17 participation in the program and, again, that will probably be
18 going back to your regular treatment provider.

19 You must take reasonable efforts to maintain medical
20 insurance during any period of supervised release to ensure
21 adequate mental health treatment. And you must take all mental
22 health medications that are prescribed by your treating
23 physician.

24 And Ms. McGunn, in light of the time imposed here, do you
25 want me to make a recommendation to a BOP facility?

**Response By Ms. McGunn
Tuesday/January 16, 2024**

29

RESPONSE BY MS. MCGUNN

MS. MCGUNN: Your Honor, I am concerned that the presentence report does not reflect Ms. Jones' updated medical information. I realize that's not an answer to The Court's questions. It's a long-winded way of saying it's difficult for me to see that Ms. Jones could go anywhere but a medical facility, an FMC; but in order for her even be accepted in there, it would need to be significantly more information in the presentence report. That's not a reflection on probation, that's a reflection on the complexity of Ms. Jones' health situation.

So, I would ask The Court -- if I could, I would actually ask The Court to very much consider, in lieu of 30-days in custody, placing Ms. Jones on home incarceration, truly not to leave her residence which would accomplish the same purpose, but allow no disruption in physical and mental healthcare.

THE COURT: And I did consider that. I mean, I've had situations where we've provided the BOP with the medical records, but is it a chicken or egg whether if they don't see it in the presentence report they wouldn't designate her to a medical facility? Mr. Bellamy, do you know?

PROBATION OFFICER: Your Honor, Kody Bellamy, on behalf of the probation department.

In the statement of reasons that accompanies the judgment in the presentence report, The Court can indicate that there's

**Response By Ms. McGunn
Tuesday/January 16, 2024**

30

1 additional information that the Bureau of Prisons must consider
2 prior to designating Ms. Jones. I will be happy to work with
3 the Bureau of Prison's designation office to ensure that any
4 additional information that Ms. McGunn has was given to them
5 before any designation occurred.

6 The Court could also recommend that Ms. Jones be
7 designated to an FMC.

8 **THE COURT:** Which, I'll definitely do. I'll
9 definitely include that.

10 Yes, Ms. McGunn.

11 **MS. MCGUNN:** No, and I appreciate that tremendously.
12 And obviously we recognize that a sentence of 30 days is a
13 significant variance and departure. In terms of FMC's for
14 women, I think the closest one to Ms. Jones might be Butner
15 North Carolina. And we can get back to our specialist to see
16 if there's any additional information.

17 I, again, and I'm sorry to keep doing this, would implore
18 The Court to consider converting, even if we, instead of doing
19 30 days at a medical center, said 60 or 90 days on house arrest
20 with no movement beyond the home. My concern is that Ms. Jones
21 is under such constant medical care that by the time she got to
22 an FMC -- I have clients with cardiac issues who, because of
23 medication lists, don't get the same medications once in the
24 Bureau of Prisons.

25 So, for this woman, who is taking seven -- so many years

**Sentencing By The Court
Tuesday/January 16, 2024**

31

1 to stabilize her medication, to put her in that mix, I think,
2 is terrifying, quite frankly. So, I would very much ask The
3 Court to consider doubling or tripling the amount it want her
4 to serve in custody and placing her on house arrest instead,
5 with a GPS tether. And the only reason she could leave is for
6 medical appointments.

7 **THE COURT:** Are these medications that an FMC would
8 not have?

9 **MS. MCGUNN:** I have no way to answer that, Your
10 Honor, at this point. All I can say is given years of
11 litigation related to clients who don't have health issues
12 nearly as serious as Ms. Jones, seeing the disruption in
13 physical and mental health meds that occurs, because of a
14 difference in medications that are available in the community
15 versus within BOP, it's of tremendous concern.

16 This is a young woman who frequently makes trips to the
17 emergency room because when she experience the symptoms, she
18 needs immediate medical care. And aside from the issue of
19 medication availability, I'm extremely worried about what her
20 condition would be in a BOP, even in a medical facility, Your
21 Honor.

22 **THE COURT:** Well, maybe Mr. Bellamy or Ms. Princ will
23 know the answer to this. If I impose this sentence, but the
24 BOP does not designate Ms. Jones to a medical facility where I
25 think they could manage for 30 days and where they've got a

**Sentencing By The Court
Tuesday/January 16, 2024**

32

1 connection with a medical facility who could, if they can't,
2 could I then say if they don't give that designation then I'll
3 convert the sentence to home confinement? Ms. Princ, do you
4 know the answer to that once they designate her?

5 **MS. PRINC:** I have not had that issue in my
6 experience.

7 **PROBATION OFFICER:** Your Honor, I can speak to that.
8 I have had, in the past, defendants that have been sentenced
9 then later designated to a facility. Does defendants then file
10 a motion with The Court and The Court order the Bureau of
11 Prisons to reconsider a designation? And that has been
12 successful. I have seen that in the past and I think that
13 maybe --

14 **THE COURT:** Can I make the a custodial sentence
15 conditioned? A 30-day custodial sentence conditioned on
16 Ms. Jones being designated to a medical facility and if the
17 BOP's is not able to do that, then I would convert it to 30
18 days of home confinement?

19 **PROBATION OFFICER:** Your Honor, I believe that would
20 need to be addressed through an amended judgment. I don't know
21 of any way possible where we can order a sentence conditioned
22 on a designation.

23 **MS. MCGUNN:** And, Your Honor, if I could? We
24 actually agree with that. Having been on the other end of
25 that, having judicial recommendations that are made and then

**Sentencing By The Court
Tuesday/January 16, 2024**

33

1 not followed, there's no recourse because they are simply
2 recommendations and the judgment will stand. It can't be in
3 the alternative.

4 **THE COURT:** Well, that's why I'm inquiring if I
5 condition the sentence on it. I'm not talking about a
6 recommendation -- I mean, it would be a recommendation, but it
7 would be a -- and Ms. McGunn, you've got all the medical
8 records, right?

9 **MS. MCGUNN:** I do. And, Your Honor, when I say that
10 the first week of records consist of about a thousand of pages.
11 There are more records than I think any one of us could get
12 through in a reasonable amount of time.

13 Ms. Jones' mother, who is present --

14 **THE COURT:** Well, that may be enough to get her
15 designated. It may be they don't read them, they just need to
16 see them.

17 **MS. MCGUNN:** Understood, Your Honor. I'm -- and I'm
18 sorry to keep saying this, it's terrifying the idea that they
19 wouldn't read them given the complexity of Ms. Jones' house
20 circumstances and the amount of time it has taken to get her to
21 this stabilized place. Thirty days could be enough to derailed
22 her health tremendously.

23 **THE COURT:** I don't want you to think I'm considering
24 this for the first time. As the guts of the sentence and the
25 rationale for the sentence is I tried to find a time that

**Sentencing By The Court
Tuesday/January 16, 2024**

34

1 wouldn't do that. That wouldn't create that derailment, and
2 yet, would still be sufficient but not greater than necessary
3 and would satisfy the sentencing factors and would not put
4 Ms. Jones in that peril.

5 And so what I'm going to do, Ms. McGunn, I'm going to
6 recommend in the judgment that Ms. Jones be designated to a
7 medical facility. I'm going to ask if you could provide
8 probation with Ms. Jones' medical records. And as part of the
9 statement of reasons, we're going to provide those medical
10 records to the BOP.

11 And Mr. Bellamy, if I could see you at side bar for just
12 one moment?

- - -

(Side Bar Conference at 3:55 p.m.)

14 **THE COURT:** Are there any 14-day sentences?

15 **PROBATION OFFICER:** Yes. I've seen weekends. I've
16 seen 14 days.

17 **THE COURT:** I'm wondering if she's better 14 days in
18 a non-medical facility or 30 days in a medical facility? And
19 for 30 days I don't know if they'll put her in a medical
20 facility either.

21 **PROBATION OFFICER:** I don't think they would, Your
22 Honor. I'm happy to work very close with BOP. I'll keep in
23 contact with her designation office and share The Court's very
24 strong intention that she be designated to a medical facility.
25

**Appeal Rights
Tuesday/January 16, 2024**

35

1 **THE COURT:** I think she'd be better in a medical
2 facility for 30 days than not in one for 14 days.

3 **PROBATION OFFICER:** Absolutely.

4 **(Side Bar Conference concluded at 3:56 p.m.)**

5 - - -

6 **THE COURT:** Okay. Thank you. I wanted to confer
7 with Mr. Bellamy about the logistics and to make sure we can
8 provide all of this information to the BOP and we can. And I'm
9 going to be hopeful that they will consider all of that
10 information and that they will designate Ms. Jones to a medical
11 facility where for the 30 days they'll be able to keep her
12 stable until her release.

13 And so then let me ask counsel, with the sentence that
14 I've just imposed, are there any objections that have not
15 previously been stated. Ms. Princ?

16 **MS. PRINC:** None from the Government. Thank you,
17 Your Honor.

18 **THE COURT:** And Ms. McGunn?

19 **MS. MCGUNN:** None, Your Honor.

20 **Appeal Rights**

21 **THE COURT:** And I will advise Ms. Jones, you do have
22 a right to appeal the sentence that I've just imposed. Any
23 appeal will have to be filed within 14-days of the date that I
24 enter final judgment or 14-days of any notice of appeal that
25 may be filed by the Government.

**Appeal Rights
Tuesday/January 16, 2024**

36

1 If you're not able to prepay the cost of the appeal, you
2 may seek leave to appeal without paying those costs and you may
3 also seek the assistance of the clerk of court in preparing the
4 notice of appeal.

5 And Ms. Princ, does the Government have any objection to
6 allowing Ms. Jones to self surrender?

7 **MS. PRINC:** No. Thank you.

8 **THE COURT:** So, Ms. Jones, as you know, you've been
9 on bond for several years with a number of conditions and those
10 bond conditions are going to remain in place. And at some
11 point in the future, and it may take awhile because we're going
12 to provide your medical records to the BOP. So, I will
13 include, if I need to in the judgment, that there be no
14 designation before the BOP obtains your medical information.
15 But at some point, you'll receive notification from the Bureau
16 of Prisons as to where and when you are to report to serve your
17 sentence.

18 In the interim, between today and the time that you get
19 that notification, your bond conditions remain in place. So, I
20 just need to remind you, if you were to violate any of those
21 conditions, your bond could be revoked and you could be
22 remanded immediately to serve your sentence. Do you understand
23 that?

24 **THE DEFENDANT:** Yes.

25 **THE COURT:** And failing to appear at the designated

**Appeal Rights
Tuesday/January 16, 2024**

37

1 facility is a separate offense for which you could also receive
2 jail time. Do you understand that also?

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** All right. Very good.

5 Then is there anything further that we need to do on this
6 matter today. Ms. Princ, anything for the Government?

7 **MS. PRINC:** No. Thank you, Your Honor.

8 **THE COURT:** Anything for the Defense?

9 **MS. MCGUNN:** Yes, Your Honor. It occurs to me that
10 it might make the most sense for The Court to withhold entry of
11 the final judgment until the presentence is formally updated,
12 medical records are uploaded, and then the judgment could be
13 entered, if that's possible.

14 **THE COURT:** Yes, I will do that.

15 **MS. MCGUNN:** So, then in probation, I'm not sure how
16 that occurs, just in terms of the update? In terms of the
17 pregnancy? If a second interview was conducted? I don't know.

18 **PROBATION OFFICER:** Depending on how much information
19 you provide, you could do another interview or if you wanted to
20 send proposed language to myself and the Government and we
21 could just insert that into the presentence report. That's a
22 possibility as well.

23 **MS. MCGUNN:** Okay. We will consult with probation.

24 **THE COURT:** Well, we're going to put in the
25 pregnancy, can we put in the presentence report, you know, just

Appeal Rights
Tuesday/January 16, 2024

38

1 a sentence that there are significant additional medical
2 records that will be provided to the BOP? Or I guess for the
3 presentence report, just that there are significant, additional
4 medical records that are consistent with what is set forth in
5 the presentence report but they provide much more detail of
6 Ms. Jones' conditions? Just to indicate there are . . .

7 **MS. MCGUNN:** Yes, Your Honor, we can do that. Yep.

8 **THE COURT:** Without having to put all of that into
9 the presentence report.

10 **MS. MCGUNN:** I have to say, I'm actually concerned
11 about not putting it into the presentence report.
12 Historically, we have not had great luck with Bureau of Prisons
13 actually reviewing medical records, that's why we want the body
14 of the presentence report to be as exacting as a possible.

15 **THE COURT:** Okay. So, can you provide a summary, a
16 new paragraph or two for inclusion and share it with Ms. Princ,
17 obviously.

18 **MS. MCGUNN:** Yes.

19 **THE COURT:** And then we could -- since we're going to
20 amend, add the pregnancy, we could amend to add more detailed
21 medical information.

22 All right. Ms. Princ, do you have any issues with that?

23 **MS. PRINC:** No.

24 **THE COURT:** All right. Ms. McGunn, anything further
25 for the Defense?

Appeal Rights
Tuesday/January 16, 2024

39

1 **MS. MCGUNN:** No. Thank you, Your Honor.

2 **THE COURT:** And Mr. Bellamy, anything for probation?

3 **PROBATION OFFICER:** Your Honor, strictly a wording.

4 It's The Court's intention that the sentence was 30 days
5 custody, per count, to be served concurrently?

6 **THE COURT:** Yes.

7 **PROBATION OFFICER:** And same for supervised release,
8 two-years, each count, to be served concurrently?

9 **THE COURT:** Yes.

10 **PROBATION OFFICER:** Thank you, Your Honor.

11 **THE COURT:** And I mentioned the special assessment?

12 **PROBATION OFFICER:** Yes.

13 **MS. MCGUNN:** And, Your Honor, just so we can tie this
14 lose end up as well in terms of the wording. Is The Court's
15 sentence that the sentence shall be served at a federal medical
16 center and if that request cannot be honored . . .

17 **THE COURT:** No, because we thought that that was not
18 feasible. So, I'm just going to include in the judgment a
19 recommendation to a federal medical center. And I don't even
20 want to give an alternative because I want them to only see
21 that recommendation.

22 **PROBATION OFFICER:** Your Honor, if I may?

23 **THE COURT:** Yes.

24 **PROBATION OFFICER:** I do know while The Court doesn't
25 have the authority to provide a specific facility, The Court

Appeal Rights
Tuesday/January 16, 2024

40

1 does have the authority to include that the sentence be served
2 in a federal facility to ensure that the Bureau of Prisons does
3 go through the designation process and doesn't attempt to have
4 Ms. Jones serve her sentence in a local facility. So, if we
5 include that in the judgment, I do think it would be better.

6 **THE COURT:** Okay. So, the better way is to say: I'm
7 recommending this sentence be served in a federal facility and,
8 more specifically, a federal medical center.

9 **PROBATION OFFICER:** Yes. Ordering the sentence be
10 served in a federal facility, recommending that it be served in
11 a federal medical center.

12 **THE COURT:** Yes. Very good. Okay. Thank you. All
13 right. Thank you, everyone.

14 Ms. Jones, good luck to you. Take care of yourself. And
15 I hope for this 30 days they take good care of you as well.

16 All right. Everybody. Thank you.

17 **(Whereupon proceedings concluded at 4:03 p.m.)**

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**Appeal Rights
Tuesday/January 16, 2024**

41

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C E R T I F I C A T I O N

I, Nefertiti A. Matthews, official court reporter for the United States District Court, Eastern District of Michigan, Southern Division, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings in the above-entitled cause on the date hereinbefore set forth.

I do further certify that the foregoing transcript has been prepared by me or under my direction.

Date: May 15, 2024

s:/Nefertiti A. Matthews
Nefertiti A. Matthews,
Official Court Reporter